

**U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:17-cv-00128-TNM**

EDDINGTON v. OFFICE OF INSPECTOR GENERAL
DEPARTMENT OF DEFENSE

Assigned to: Judge Trevor N. McFadden
Referred to: Magistrate Judge Deborah A. Robinson
(Settlement)

Cause: 05:552 Freedom of Information Act

Date Filed: 01/19/2017

Jury Demand: None

Nature of Suit: 895 Freedom of
Information Act

Jurisdiction: U.S. Government Defendant

Plaintiff

PATRICK EDDINGTON

represented by **Matthew Topic**
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V.

Defendant

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Date Filed	#	Docket Text
01/19/2017	<u>1</u>	COMPLAINT against OFFICE OF INSPECTOR GENERAL DEPARTMENT OF DEFENSE (Fee Status:Filing Fee Waived) filed by PATRICK EDDINGTON. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D, # <u>5</u> Exhibit E, # <u>6</u> Exhibit F, # <u>7</u> Exhibit G, # <u>8</u> Exhibit H, # <u>9</u> Exhibit I, # <u>10</u> Exhibit J, # <u>11</u> Civil Cover Sheet, # <u>12</u> Summons)(Gray, Karen) (Entered: 01/19/2017)
01/19/2017		Case Assigned to Judge Gladys Kessler. (md) (Entered: 01/23/2017)
01/24/2017		SUMMONS Not Issued as to OFFICE OF INSPECTOR GENERAL DEPARTMENT OF DEFENSE, U.S. Attorney General (INCORRECT SUMMONS SUBMITTED AT THE TIME COMPLAINT WAS FILED) (md) (Entered: 01/24/2017)
01/25/2017	<u>2</u>	REQUEST FOR SUMMONS TO ISSUE to <i>Defendant Office of Inspector General Department of Defense (Corrected)</i> filed by PATRICK EDDINGTON.(Gray, Karen) (Entered: 01/25/2017)
01/26/2017	<u>3</u>	SUMMONS (1) Issued Electronically as to OFFICE OF INSPECTOR GENERAL DEPARTMENT OF DEFENSE. (znmw) (Additional attachment(s) added on 1/26/2017: # <u>1</u> Notice and Consent) (znmw). (Entered: 01/26/2017)
02/09/2017	<u>4</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the United States Attorney. Date of Service Upon United States Attorney on 1/30/2017. Answer due for ALL FEDERAL DEFENDANTS by 3/1/2017. (Gray, Karen) (Entered: 02/09/2017)
02/24/2017		Case randomly reassigned to Judge Colleen Kollar-Kotelly. Judge Gladys Kessler is no longer assigned to the case. (ztnr) (Entered: 02/24/2017)
02/27/2017	<u>5</u>	ORDER Establishing Procedures for Cases Assigned to Judge Colleen Kollar-Kotelly. Signed by Judge Colleen Kollar-Kotelly on February 27, 2017. (NS) (Entered: 02/27/2017)
03/01/2017	<u>6</u>	ANSWER to Complaint by OFFICE OF INSPECTOR GENERAL DEPARTMENT OF DEFENSE.(Anderson, Caroline) (Entered: 03/01/2017)
03/02/2017	<u>7</u>	ORDER FOR INITIAL SCHEDULING CONFERENCE. An Initial Scheduling Conference is hereby set for April 12, 2017 at 10:00 a.m. in Courtroom 28A. Signed by Judge Colleen Kollar-Kotelly on 3/2/2017. (lcckk1) (Entered: 03/02/2017)
03/03/2017		Set/Reset Hearings: Initial Scheduling Conference set for 4/12/2017, at 10:00 AM, in Courtroom 28A, before Judge Colleen Kollar-Kotelly. (kt) (Entered: 03/03/2017)
03/22/2017	<u>8</u>	MOTION for Leave to Appear Pro Hac Vice :Attorney Name- Joshua Hart Burday, :Firm- Loevy & Loevy, :Address- 311 N. Aberdeen, Third Floor, Chicago, IL 60607. Phone No. - (312) 243-5900. Fax No. - (312) 423-5902 Filing fee \$ 100, receipt number 0090-4885349. Fee Status: Fee Paid. by PATRICK EDDINGTON (Attachments: # <u>1</u> Declaration Declaration of Joshua Hart Burday in Support of Motion to Admit Pro Hac Vice)(Gray, Karen) (Entered: 03/22/2017)

03/23/2017		MINUTE ORDER: The <u>8</u> Motion for the Admission of Attorney Joshua Hart Burday as Counsel Pro Hac Vice is GRANTED. Counsel shall register for this Court's CM/ECF system. Signed by Judge Colleen Kollar-Kotelly on 3/23/2017. (lcckk1) (Entered: 03/23/2017)
04/03/2017	<u>9</u>	NOTICE of Appearance by Matthew Topic on behalf of PATRICK EDDINGTON (Topic, Matthew) (Entered: 04/03/2017)
04/04/2017	<u>10</u>	ORDER. The parties shall file the schedule not later than APRIL 18, 2017. The Court's <u>7</u> Order for Initial Scheduling Conference, and the Initial Scheduling Conference currently scheduled for April 12, 2017 at 10:00 A.M., are hereby VACATED. Signed by Judge Colleen Kollar-Kotelly on 4/4/2017. (lcckk1) (Entered: 04/04/2017)
04/18/2017	<u>11</u>	Joint STATUS REPORT and Proposed Schedule by OFFICE OF INSPECTOR GENERAL DEPARTMENT OF DEFENSE. (Attachments: # <u>1</u> Text of Proposed Order)(Anderson, Caroline) (Entered: 04/18/2017)
04/24/2017	<u>12</u>	Joint STATUS REPORT and Amended Joint Proposed Schedule by OFFICE OF INSPECTOR GENERAL DEPARTMENT OF DEFENSE. (Attachments: # <u>1</u> Text of Proposed Order)(Anderson, Caroline) (Entered: 04/24/2017)
04/25/2017	<u>13</u>	SCHEDULING AND PROCEDURES ORDER. Signed by Judge Colleen Kollar-Kotelly on 4/25/2017. (lcckk1) (Entered: 04/25/2017)
09/19/2017	<u>14</u>	Joint STATUS REPORT by OFFICE OF INSPECTOR GENERAL DEPARTMENT OF DEFENSE. (Anderson, Caroline) (Entered: 09/19/2017)
09/27/2017	<u>15</u>	SCHEDULING AND PROCEDURES ORDER. See order for details. Signed by Judge Colleen Kollar-Kotelly on 9/27/2017. (lcckk1) (Entered: 09/27/2017)
09/27/2017		Set/Reset Deadlines: Plaintiff's Cross Motion due by 12/22/2017. Response to Cross Motions due by 1/17/2018. Plaintiff will inform Defendant of any issues it does not intend to challenge in motions practice by 10/26/2017. Defendant's Summary Judgment motion due by 11/16/2017. Response to Motion for Summary Judgment due by 12/22/2017. Reply to Motion for Summary Judgment due by 1/17/2018. Defendant's Vaughn Index due by 10/12/2017. (dot) (Entered: 10/03/2017)
11/02/2017		Case directly reassigned to Judge Trevor N. McFadden. Judge Colleen Kollar-Kotelly is no longer assigned to the case. (ztnr) (Entered: 11/02/2017)
11/06/2017	<u>16</u>	Joint STATUS REPORT by OFFICE OF INSPECTOR GENERAL DEPARTMENT OF DEFENSE. (Anderson, Caroline) (Entered: 11/06/2017)
11/15/2017		MINUTE ORDER: Upon consideration of the parties' <u>16</u> November 6, 2017 Joint Status Report, the court orders the current briefing schedule as detailed in <u>15</u> Scheduling and Procedures Order suspended. The parties shall file a Joint Status Report on or before February 5, 2018. SO ORDERED. Signed by Judge Trevor N. McFadden on 11/15/2017. (lctnm3) (Entered: 11/15/2017)
11/15/2017		Set/Reset Deadlines: Joint Status Report due on or before 2/5/2018. (hmc) (Entered: 11/15/2017)
01/25/2018	<u>17</u>	NOTICE of Appearance by Nicholas P. Cartier on behalf of OFFICE OF INSPECTOR GENERAL DEPARTMENT OF DEFENSE (Cartier, Nicholas) (Entered: 01/25/2018)
02/05/2018	<u>18</u>	Joint STATUS REPORT by OFFICE OF INSPECTOR GENERAL DEPARTMENT OF DEFENSE. (Cartier, Nicholas) (Entered: 02/05/2018)
02/07/2018		MINUTE ORDER. Upon consideration of the parties' <u>18</u> Joint Status Report, the parties are directed to file further Joint Status Reports on March 15, 2018 and June 5, 2018. SO ORDERED. Signed by Judge Trevor N. McFadden on 2/6/2018. (lctnm3) (Entered: 02/07/2018)
02/07/2018		Set/Reset Deadlines: Joint Status Report due by 3/15/2018 and 6/15/2018. (hmc) (Entered: 02/07/2018)
03/15/2018	<u>19</u>	Joint STATUS REPORT by OFFICE OF INSPECTOR GENERAL DEPARTMENT OF DEFENSE. (Cartier, Nicholas) (Entered: 03/15/2018)

04/23/2018	<u>20</u>	STANDING ORDER Establishing Procedures for Cases Before Judge Trevor N. McFadden. The parties are hereby ORDERED to read and comply with the directives in the attached standing order. Courtesy copies are excused for all filings predating the entry of this Standing Order. Signed by Judge Trevor N. McFadden on 4/20/2018. (lctnm3) (Entered: 04/23/2018)
06/05/2018	<u>21</u>	Joint STATUS REPORT by OFFICE OF INSPECTOR GENERAL DEPARTMENT OF DEFENSE. (Cartier, Nicholas) (Entered: 06/05/2018)
06/05/2018		MINUTE ORDER. Upon consideration of the parties' <u>21</u> Joint Status Report, the parties are directed to file a further Joint Status Report on October 1, 2018. The report shall address the parties' proposed schedule for the production of non-exempt records and, if appropriate, dispositive motion briefing. SO ORDERED. Signed by Judge Trevor N. McFadden on 6/5/2018. (lctnm3) (Entered: 06/05/2018)
06/05/2018		Set/Reset Deadlines: A further Joint Status Report is due by 10/1/2018. (hmc) (Entered: 06/05/2018)
10/01/2018	<u>22</u>	Joint STATUS REPORT by OFFICE OF INSPECTOR GENERAL DEPARTMENT OF DEFENSE. (Cartier, Nicholas) (Entered: 10/01/2018)
10/01/2018		MINUTE ORDER: Upon consideration of the parties' <u>22</u> Joint Status Report, it is hereby ORDERED that the parties shall file a further update on or before November 15, 2018. This report shall propose a briefing schedule for dispositive motions if necessary. Signed by Judge Trevor N. McFadden on 10/1/2018. (lctnm3) (Entered: 10/01/2018)
10/02/2018		Set/Reset Deadlines: Joint Status Report due by 11/15/2018. (hmc) (Entered: 10/02/2018)
11/15/2018	<u>23</u>	Joint STATUS REPORT by OFFICE OF INSPECTOR GENERAL DEPARTMENT OF DEFENSE. (Cartier, Nicholas) (Entered: 11/15/2018)
11/19/2018		MINUTE ORDER: Upon consideration of the parties' <u>23</u> Joint Status Report, it is hereby ORDERED that the parties shall file a further update on or before December 18, 2018. This update shall propose a schedule for further proceedings as necessary. Signed by Judge Trevor N. McFadden on 11/19/2018. (lctnm3) (Entered: 11/19/2018)
11/19/2018		Set/Reset Deadlines: Joint Status Report due by 12/18/2018. (hmc) (Entered: 11/19/2018)
12/18/2018	<u>24</u>	Joint STATUS REPORT by OFFICE OF INSPECTOR GENERAL DEPARTMENT OF DEFENSE. (Cartier, Nicholas) (Entered: 12/18/2018)
12/18/2018		MINUTE ORDER: Upon consideration of the parties' <u>24</u> Joint Status Report it is hereby ORDERED that a further update shall be filed on or before February 18, 2019. This update shall propose a schedule for further proceedings as necessary. A status conference is hereby scheduled for February 26, 2019 at 10 am in Courtroom 2 before Judge Trevor N. McFadden. Signed by Judge Trevor N. McFadden on 12/18/2018. (lctnm3) (Entered: 12/18/2018)
12/18/2018		Set/Reset Deadlines/Hearings: Joint Status Report due by 2/18/2019. Status Conference set for 2/26/2019 at 10:00 AM in Courtroom 2 before Judge Trevor N. McFadden. (hmc) (Entered: 12/18/2018)
02/19/2019	<u>25</u>	Joint STATUS REPORT by OFFICE OF INSPECTOR GENERAL DEPARTMENT OF DEFENSE. (Attachments: # <u>1</u> Text of Proposed Order)(Cartier, Nicholas) (Entered: 02/19/2019)
02/20/2019		MINUTE ORDER: Upon consideration of the parties' <u>25</u> Joint Status Report, it is hereby ORDERED that: (1) the Defendant shall file a Motion for Summary Judgment on or before April 23, 2019; (2) the Plaintiff shall file a consolidated Opposition and Cross-Motion for Summary Judgment on or before May 23, 2019; (3) the Defendant shall file a consolidated Reply in Support and Opposition on or before June 23, 2019; and (4) Plaintiff shall file a Reply in Support on or before July 9, 2019. It is further ORDERED that the Status Conference currently scheduled for February 26, 2019 is hereby vacated. Signed by Judge Trevor N. McFadden on 2/20/2019. (lctnm3) (Entered: 02/20/2019)

02/21/2019		Set/Reset Deadlines: Defendant's Motion for Summary Judgment due by 4/23/2019. Plaintiff's Opposition and Cross-Motion due by 5/23/2019. Defendant's Reply in Support and Opposition due by 6/23/2019. Plaintiff's Reply in Support due by 7/9/2019. (hmc) (Entered: 02/21/2019)
04/17/2019	<u>26</u>	Unopposed MOTION for Extension of Time to <i>File Motion for Summary Judgment</i> by OFFICE OF INSPECTOR GENERAL DEPARTMENT OF DEFENSE (Attachments: # <u>1</u> Text of Proposed Order)(Cartier, Nicholas) (Entered: 04/17/2019)
04/18/2019		MINUTE ORDER: Upon consideration of the Defendant's <u>26</u> Motion, the briefing schedule is hereby revised as follows: the Defendant's motion for summary judgment shall be filed on or before 5/23/2019. The Plaintiff's opposition and cross-motion for summary judgment shall be filed on or before 6/24/2019. The Defendant's reply in support and opposition to any cross-motion shall be filed on or before 7/23/2019. The Plaintiff's reply shall be filed on or before 8/9/2019. Further requests for an extension of time shall be disfavored. Signed by Judge Trevor N. McFadden on 4/18/2019. (lctnm3) (Entered: 04/18/2019)
04/18/2019		Set/Reset Deadlines: Summary Judgment motion due by 5/23/2019; Cross-Motion and Opposition to Motion for Summary Judgment due by 6/24/2019; Opposition to Cross-Motion and Reply to Opposition to Motion for Summary Judgment due by 7/23/2019; Reply to Opposition to Cross Motion due by 8/9/2019. (tg) (Entered: 04/18/2019)
05/20/2019	<u>27</u>	Unopposed MOTION for Extension of Time to <i>file Motion for Summary Judgment</i> by OFFICE OF INSPECTOR GENERAL DEPARTMENT OF DEFENSE (Attachments: # <u>1</u> Text of Proposed Order)(Cartier, Nicholas) (Entered: 05/20/2019)
05/20/2019		MINUTE ORDER denying the <u>27</u> Motion for Extension of Time. The Court previously granted the Defendant a one-month extension to file this motion. See the Court's April 18, 2019 Minute Order. The Court noted that further requests for an extension of time shall be disfavored. Additionally, the Defendant's motion fails to comply with the Court's <u>20</u> Standing Order, which requires that such motions be filed at least four business days prior to the first affected deadline. The April 18, 2019 briefing schedule ordered by the Court remains unchanged. Signed by Judge Trevor N. McFadden on 5/20/2019. (lctnm3) (Entered: 05/20/2019)
05/23/2019	<u>28</u>	MOTION for Summary Judgment by OFFICE OF INSPECTOR GENERAL DEPARTMENT OF DEFENSE (Attachments: # <u>1</u> Declaration Thompson Declaration, # <u>2</u> Declaration Dorgan Declaration, # <u>3</u> Exhibit Vaughn Index, # <u>4</u> Text of Proposed Order)(Cartier, Nicholas) (Entered: 05/23/2019)
06/06/2019	<u>29</u>	MOTION for Extension of Time to <i>Unopposed Motion to Amend Briefing Schedule</i> by PATRICK EDDINGTON (Attachments: # <u>1</u> Text of Proposed Order Proposed Order)(Burday, Joshua) (Entered: 06/06/2019)
06/06/2019		MINUTE ORDER: Upon consideration of the Plaintiff's <u>29</u> Unopposed Motion, the briefing schedule is hereby modified as follows: the Plaintiff shall file an opposition and cross-motion for summary judgment on or before July 24, 2019. The Defendant shall file any reply and opposition to the cross-motion on or before August 23, 2019. The Plaintiff shall file any reply in support of its cross-motion on or before September 9, 2019. Further requests for an extension of time shall be disfavored and will not be granted absent compelling circumstances. Signed by Judge Trevor N. McFadden on 6/6/2019. (lctnm3) (Entered: 06/06/2019)
06/07/2019		Set/Reset Deadlines: Plaintiff's Opposition and Cross-Motion due by 7/24/2019. Defendant's Reply and Opposition to the Cross-Motion due by 8/23/2019. Plaintiff's Reply in support of its Cross-Motion due by 9/9/2019. (hmc) (Entered: 06/07/2019)
07/24/2019	<u>30</u>	Cross MOTION for Summary Judgment by PATRICK EDDINGTON (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Exhibit A, # <u>3</u> Statement of Facts Plaintiff's Local Civil Rule 7(h) Statement of Material Facts as to Which There is No Genuine Issue, # <u>4</u> Statement of Facts Plaintiff's Local Civil Rule 7(h) Statement of Genuine Issues of Fact, # <u>5</u> Affidavit Eddington Aff, # <u>6</u> Affidavit Leonard Aff, # <u>7</u> Text of Proposed Order)(Burday, Joshua) (Entered: 07/24/2019)
07/24/2019	<u>31</u>	Memorandum in opposition to re <u>28</u> MOTION for Summary Judgment filed by PATRICK EDDINGTON. (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Exhibit A,

		# <u>3</u> Statement of Facts Plaintiff's Local Civil Rule 7(h) Statement of Material Facts as to Which There is No Genuine Issue, # <u>4</u> Statement of Facts Plaintiff's Local Civil Rule 7(h) Statement of Genuine Issues of Fact, # <u>5</u> Affidavit Eddington Aff, # <u>6</u> Affidavit Leonard Aff, # <u>7</u> Text of Proposed Order)(Burday, Joshua) (Entered: 07/24/2019)
08/06/2019	<u>32</u>	NOTICE of Appearance by Merrick Jason Wayne on behalf of PATRICK EDDINGTON (Wayne, Merrick) (Entered: 08/06/2019)
08/23/2019	<u>33</u>	Memorandum in opposition to re <u>30</u> Cross MOTION for Summary Judgment filed by OFFICE OF INSPECTOR GENERAL DEPARTMENT OF DEFENSE. (Attachments: # <u>1</u> Declaration, # <u>2</u> Statement of Facts)(Cartier, Nicholas) (Entered: 08/23/2019)
08/23/2019	<u>34</u>	REPLY to opposition to motion re <u>28</u> MOTION for Summary Judgment filed by OFFICE OF INSPECTOR GENERAL DEPARTMENT OF DEFENSE. (Attachments: # <u>1</u> Declaration)(Cartier, Nicholas) (Entered: 08/23/2019)
09/09/2019	<u>35</u>	REPLY to opposition to motion re <u>30</u> Cross MOTION for Summary Judgment filed by PATRICK EDDINGTON. (Burday, Joshua) (Entered: 09/09/2019)
10/02/2019		MINUTE ORDER setting a telephone conference for October 7, 2019 at 3:00 pm in Chambers before Judge Trevor N. McFadden. Dial-in information will be emailed to counsel. It is further ORDERED that the parties shall jointly confer before the telephone conference to clarify the scope of their dispute and the potential need for additional productions (including a new <i>Vaughn</i> Index) in light of the parties' concessions in their respective summary judgment briefs. SO ORDERED. Signed by Judge Trevor N. McFadden on 10/2/2019. (lctnm3) (Entered: 10/02/2019)
10/02/2019		Set/Reset Hearings: Telephone Conference set for 10/7/2019 at 3:00 PM in Chambers before Judge Trevor N. McFadden. (hmc) (Entered: 10/02/2019)
10/07/2019		Minute Entry for proceedings held before Judge Trevor N. McFadden: Telephone Conference held on 10/7/2019. (Court Reporter: Nancy Meyer.) (hmc) (Entered: 10/07/2019)
10/22/2019	<u>36</u>	RESPONSE to Defendant's Reprocessed Pages by PATRICK EDDINGTON (Burday, Joshua); Modified text and event on 10/29/2019 (ztth). (Entered: 10/22/2019)
11/04/2019		MINUTE ORDER. The parties are hereby ORDERED to appear for a motion hearing on Defendant's <u>28</u> Motion for Summary Judgment and Plaintiff's <u>30</u> Cross-Motion for Summary Judgment. The hearing shall be held on November 25, 2019 at 10:00 am in Courtroom 2 before Judge Trevor N. McFadden. SO ORDERED. Signed by Judge Trevor N. McFadden on 11/4/2019. (lctnm3) (Entered: 11/04/2019)
11/04/2019		Set/Reset Hearings: Motion Hearing set for 11/25/2019 at 10:00 AM in Courtroom 2 before Judge Trevor N. McFadden. (hmc) (Entered: 11/04/2019)
11/25/2019		Minute Entry for proceedings held before Judge Trevor N. McFadden: Motion Hearing held on 11/25/2019. For reasons stated on the record, <u>28</u> MOTION for Summary Judgment filed by OFFICE OF INSPECTOR GENERAL DEPARTMENT OF DEFENSE and <u>30</u> Cross MOTION for Summary Judgment filed by PATRICK EDDINGTON are DENIED. Joint Status Report due by 5/29/2020. Case referred to a Magistrate Judge for mediation. Order forthcoming. (Court Reporter: Crystal Pilgrim.) (hmc) (Entered: 11/25/2019)
11/27/2019	<u>37</u>	ORDER. For the reasons set forth on the record during the motions hearing on November 25, 2019, it is hereby ORDERED that the Plaintiff's Motion for Summary Judgment is DENIED; that the Defendant's Motion for Summary Judgment is DENIED; and that this case is referred to a Magistrate Judge, to be assigned at random by the Clerk's office, for mediation. See attached Order for further details. Signed by Judge Trevor N. McFadden on 11/27/2019.(lctnm3) (Entered: 11/27/2019)
11/27/2019		CASE RANDOMLY REFERRED to Magistrate Judge Deborah A. Robinson for mediation. (zad) (Entered: 11/27/2019)
12/02/2019		MINUTE ORDER: Settlement Conference set for Tuesday, February 4, 2020, at 2:00 PM in Chambers before Magistrate Judge Deborah A. Robinson. Signed by Magistrate Judge Deborah A. Robinson on 12/2/2019. (lcjh) (Entered: 12/02/2019)